

1 that are on the next 15 floors going up.

2 So we put in one fiber-optic multiplexer,
3 try and aggregate everything together into it, and
4 then usually, particularly in Washington and
5 Virginia, usually that works, but in the occasional,
6 you know, high-rise office building, we might have
7 to stick an additional multiplexer on a higher-up
8 floor.

9 MR. MILLER: I appreciate your response.
10 I guess my question is, if there are 12 strands of
11 fiber that are very lightly used and a carrier
12 requests dark fiber and it were possible for Verizon
13 to groom or migrate the traffic in aggregate on to
14 one or two or three limited strands and create dark
15 fiber for the carrier, and I'm not saying there's an
16 obligation to do so, would Verizon -- but if all 12
17 strands were in use even lightly, would Verizon
18 respond "no facilities available"?

19 MR. ALBERT: Correct. We believe the AT&T
20 arbitration said we don't have to do that.

21 MR. MAHER: I have a couple others on some
22 of the other issues, and I guess Mr. Ashenden, I'll

1 start with you. In terms of Verizon's proposed
2 definitions of dark fiber loop and dark fiber AOF,
3 I'm wondering if you can clarify Cavalier's
4 objections to those definitions and how it thinks
5 its proposed revisions address those concerns.

6 MR. ASHENDEN: I think I would like to
7 review the testimony on those issues before I answer
8 that, if I could.

9 MR. ALBERT: Didn't we settle that one?

10 MR. PERKINS: This is on accessible
11 terminals?

12 MR. MAHER: I think so.

13 MR. PERKINS: That's been dropped.

14 MR. ALBERT: I think we're square there.

15 MR. ASHENDEN: That's what I thought.

16 Good.

17 MR. MAHER: Feel free to ignore that
18 question.

19 (Laughter.)

20 MR. ALBERT: We actually did agree to
21 something.

22 MR. PERKINS: Every once in a while, we

1 talk successfully.

2 MR. MAHER: I guess on the joint field
3 survey issue, Cavalier has proposed some limitations
4 on the charges associated with that, what it would
5 have to pay. And I'm wondering, if Cavalier is
6 going to have its own people there sort of
7 overseeing or observing what's going on, why is it
8 necessary to have sort of caps on charges? Won't
9 Cavalier be able to sort of see that everything
10 that's supposed to be being done is being done?

11 MR. ASHENDEN: If it's a joint survey and
12 that was agreed upon, I would have to agree with
13 you. The caps, I would think, are of main concern
14 when we weren't involved in the survey at all, and
15 our involvement in a survey was basically submitting
16 a request saying we don't agree with the findings of
17 the inquiry, go forth and do a field survey.

18 And then having a blank check, where they
19 go out for upwards of a year and respond back, and
20 we get charged for a huge amount for a survey for
21 things that we didn't ask for and for things that
22 didn't answer the original question.

1 I think that's where the cap really was
2 necessary, and we had some direct experience where
3 that did happen.

4 MR. MAHER: How about from Verizon's side,
5 then? If there was no cap, does Verizon still have
6 a problem with the whole sort of joint field survey
7 option?

8 MS. SHOCKET: Yes. Doing the joint field
9 survey is really burdensome to Verizon. We don't
10 feel that it's necessary. As Mr. Albert explained
11 before, the person who is doing the actual site
12 survey is not necessarily the person who responds to
13 questions from the CLEC.

14 In addition, depending on the nature of
15 the request for the survey, it could involve
16 multiple splicing technicians in different areas.
17 You know, it could be a survey requiring splicing
18 technicians who are in various central offices to go
19 out to multiple offices, and we wouldn't want to
20 send one person from one end of the state to cover
21 the whole field survey; we would look for people who
22 are located more conveniently to complete the survey

1 in their specific geographic area.

2 So the joint survey is difficult to
3 coordinate, and it really does place a burden on us
4 to do a joint survey, and again, depending on the
5 situation, and also, I don't think it would yield
6 the type of information that Cavalier is looking
7 for.

8 We will perform the survey, we'll do the
9 work, we will provide the information on how much it
10 costs to do the survey up front, we'll provide an
11 estimate of time and materials to the CLEC when they
12 request it.

13 If there's something specific that the
14 CLEC wants in the field survey, they can put it in
15 the remarks section of the field survey request form
16 and let us know, and we'll make sure that we cover
17 that.

18 And then we'll respond back after we
19 perform the survey; we'll respond back to the CLEC.
20 Should there be any questions about it, the CLEC can
21 contact the planner and engineer who actually
22 provided the information in the survey to clear up

1 those issues.

2 I think it works if the process is
3 followed. I think the information is good, and it
4 gives us an opportunity to validate all the
5 information, verify what's in the records and
6 provide an accurate response to the CLEC.

7 So putting a cap on the field survey I
8 think really doesn't work, because each field survey
9 is different. You really don't know what you're
10 going to encounter. There's no -- there's no set A
11 and Z location that you're going to review. It
12 could be a multiple central office one, or it could
13 be just right within a particular central office.

14 So a cap on the price would really not be
15 appropriate for us, because we would be expending
16 more expense to do the longer multiple office one
17 than what we do in the single central office one.

18 MR. MAHER: Maybe I should clarify. I was
19 asking about the situation where there is no --
20 there isn't the cap that Cavalier has proposed. It
21 sounds like maybe, correct me if I'm wrong, that the
22 main difference between -- in that circumstance

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1 between the field survey process as it exists now
2 and a joint field survey would be just the need to
3 coordinate with Cavalier personnel, in terms of the
4 survey activity?

5 MS. SHOCKET: Well, coordinate with them,
6 but the problem is that the people on Verizon's side
7 who are actually doing the survey may not be able to
8 provide the response to Cavalier on their particular
9 questions.

10 The cable splicing technicians who will be
11 performing the survey will actually look at the
12 fiber, see what's there, see if it's in use. They
13 may actually test it. And you know, they will
14 make -- they will take that information back and
15 compare it to the records that we have and talk it
16 over with the engineer group that handles that
17 particular area, to see exactly what the situation
18 is.

19 And the engineer would then be able to
20 respond fully to the CLEC who was asking for the
21 field survey.

22 So I think that rather than the burden of

1 coordinating, I don't think that going out with our
2 technician would yield the type of information that
3 Cavalier is looking for.

4 MR. MAHER: Let me just ask a couple
5 questions about this -- the key provision that
6 Cavalier has proposed. And one question I have for
7 you, Mr. Ashenden -- Cavalier has proposed this sort
8 of two-year queue with the ability to extend for an
9 additional two years -- and I'm wondering what are
10 the specific concerns Cavalier is trying to address
11 and how does that relate if at all to the two-year
12 time frame.

13 MR. ASHENDEN: I think we're very flexible
14 as far as whether it's two years or what the actual
15 time frame in which an inquiry would be in a queue.

16 What we're trying to accomplish with this
17 is going back to the scenario that was described
18 earlier, where one day we submit an inquiry, it's a
19 no, something happens a half hour later and someone
20 else submits an inquiry and they get a yes. It
21 turns into an issue of luck, because if this is an
22 important segment in our network, I'm going to keep

1 submitting inquiries once every three weeks, because
2 there's time constraints associated with doing it
3 every hour.

4 So instead, I would propose that this
5 queue be in place so that we submit it, they come
6 back with a no and say well, it's physically
7 available from A to B, but if it comes up free and
8 we're the first in line, we would like first right
9 of refusal. And if that time frame of two years
10 needs to be one year and I only have to submit the
11 inquiry and Verizon only has to process that inquiry
12 once a year as opposed to once every three weeks, I
13 think we would both win on that scenario.

14 MR. MAHER: I guess, let me ask you
15 Verizon folks, what -- you've mentioned that you
16 feel the queue provision is sort of burdensome and
17 unnecessary, and I'm just -- I would be interested
18 in hearing whether you think a lot of the burden is
19 just the setting up and managing of the queue, or is
20 it sort of how much of the burden is associated with
21 the frequency of having to sort of update and review
22 to see if there's any new dark fiber that's come

1 available?

2 MR. ALBERT: Both are problems -- the
3 administrative and process piece. But of the two --
4 as well as the actual work and labor, to every day
5 do the equivalent of engineering our answer to an
6 inquiry --

7 But I would say the labor and effort to do
8 the engineering every single day to answer that
9 inquiry is probably a much greater burden than
10 having to deal with the administrative pieces of it.
11 Alice might have a different perspective. But what
12 Cavalier has really asked for would require us to do
13 the equivalent engineering work, to look every
14 single day, 307 days -- five days a week, whatever.
15 But we would have to do the equivalent engineering
16 work every day that we normally do just to answer an
17 inquiry.

18 Our inquiry charge is about 270 bucks.
19 You know, the inquiry was developed to be something
20 fast and relatively cheap and not contain a lot of
21 information to the CLEC's get a quick go or no-go
22 answer.

1 But what they're proposing, requiring us
2 to do that every single day, that's going to be
3 significantly more expensive than if they would just
4 ask at some frequency that they would rather have us
5 look for. If they want to ask to have us look -- if
6 they want to send us an inquiry once every two or
7 three weeks, we would go through and do that, and
8 that would give them some assurance that they were
9 getting current, fresh views of it.

10 But without that, with what they're
11 proposing, we really would be forced to spend the
12 effort to churn through it every day. And that's
13 going to give you, from the inquiry cost of 270
14 bucks, for one queue, you multiply it out by 250
15 days in a year, you're up to a cost all of a sudden
16 of about \$60,000, to do the equivalent work every
17 single day, for if we've got fiber available or not.

18 MS. NATOLI: Let me ask one question along
19 that line. If Cavalier has asked for a piece of
20 fiber between a route and you have to go do the
21 field survey and you identify the fact that for some
22 reason it's not available right then, and another

1 company comes along and asks for it the next day, do
2 you for any period of time rely on the field survey
3 that, you know, has just been conducted for
4 Cavalier, to avoid having to do another one for that
5 other company to know that, in fact, the -- you
6 know, when you look in your inquiry system, that no
7 and none is available is truly no, none is
8 available, because you know in that 24 hours nothing
9 has happened?

10 Is there something like that that's built
11 into your system?

12 MR. ALBERT: No. We take a fresh look at
13 every -- you were saying "field survey." We're
14 really -- with the queueing process, it's really the
15 work that's needed for an inquiry.

16 MS. NATOLI: Right, I know.

17 MR. ALBERT: And the inquiries, we don't
18 go back and look at if we happen to get two
19 identical ones, you know, we don't go back and look
20 at one that was a few days or so ago. We take a
21 fresh look at each inquiry we receive from each
22 CLEC.

1 MS. NATOLI: That's what I meant. There's
2 no way information you obtain at a field survey,
3 because obviously you wouldn't do those until you
4 really had a real request for it, that doesn't get
5 filtered back into the inquiry system, such that if
6 in two days somebody else asked for it, you would
7 say oh, we just did a field survey there, we know
8 there's nothing there, we don't need to do one?

9 MS. SHOCKET: Well, there is no inquiry
10 system. It's all manual. So the request comes in,
11 and we send a message to the appropriate interoffice
12 facilities or outside plant facilities planning
13 group, for them to research the records to determine
14 whether there's fiber.

15 So they may keep a record of what they
16 have done, but they don't necessarily go back to
17 each one of their previous inquiry responses, when
18 the next inquiry comes in, to see what the response
19 was. They come in, they process them, they return
20 the process -- the response back to single point of
21 contact, who would respond back to the CLEC
22 requesting.

1 So we don't have a system. It's all done
2 manually.

3 MS. NATOLI: So there's no coordination, I
4 guess, so to speak, between those people and the
5 field -- people going out and actually doing the
6 field survey to get that information exchanged back
7 or --

8 MS. SHOCKET: What happened on the field
9 survey is the request would come in, and we would
10 send it out to the splicing technicians to go and
11 actually review the sites where the fiber is. And
12 they would determine what the status of the fiber is
13 in the street and at the terminals. And they would
14 get all that information and come back into the
15 planning group to make sure what's on the records is
16 also agreeing with what they have found. And if
17 it's not, the records would be corrected and the
18 planner would then prepare a response that goes back
19 to the CLEC, who has requested it.

20 So to the degree that there is
21 communication between the splicer and the planning
22 department on previous field surveys to correct any

1 record discrepancies, we do that. But once the
2 field survey has been completed and if there -- if
3 the records appear to match what's out in the field,
4 there's no update to the records to say oh, yeah, we
5 went out on October 15 and we found this. So
6 there's no coordination of the response with the
7 actual records that you could rely on when you get
8 the next inquiry.

9 MR. ASHENDEN: Just to clarify, a field
10 survey is not conducted for every inquiry. A field
11 survey is only done when an inquiry is challenged.
12 I'm not sure if that was clear.

13 MS. SHOCKET: And obviously it's optional.

14 MR. ALBERT: In the AT&T arbitration, the
15 inquiry morphed as a minimal information, quick
16 response, low-cost vehicle for the CLECs to get a
17 yes or no that there was fiber there. And then the
18 approach was that for usually the case of a no, if
19 there was other additional, more unique case-by-case
20 information that the CLEC wanted, then they would
21 request and we would provide that through the field
22 survey.

1 That way, we're not burdening every single
2 CLEC with throwing a lot of more costs and functions
3 on top of the inquiry. We're letting the ones who
4 want the additional stuff have a process where they
5 can ask for it and pay it. The whole intent was the
6 quick and cheap inquiry, and anything else that was
7 additional and unique and that maybe not everybody
8 wanted was to allow them to then request and then
9 pay for that case by case, and those who wanted it
10 could and those who didn't want it, didn't have to
11 get it.

12 That's one of the reasons why we were
13 somewhat objecting to adding a lot of additional
14 items of information onto an inquiry, is it's just
15 going to raise the cost and it's going to raise the
16 amount of time. You know, we believe that's more
17 appropriately handled through the more one-of-a-kind
18 field survey process.

19 MS. NATOLI: Thank you.

20 MR. MAHER: I guess just a final thing I
21 wanted to ask about was for Verizon, in terms of
22 their proposed provisions to the provisioning

1 interval language for dark fiber, to make it, I
2 guess, a somewhat more open-ended subject to
3 possible changes. I was wondering, were there some
4 specific upcoming changes or proceedings or forums
5 that Verizon had in mind, in terms of --

6 MR. ALBERT: Provisioning interval for
7 dark fiber?

8 MR. MAHER: Yes.

9 MR. ALBERT: I think we got that one
10 knocked too.

11 MS. NATOLI: We have one more clarifying
12 question, and this goes to the scenario we were
13 talking about with the fiber loops, taking the 24
14 strands to a building but not having them all
15 spliced back into the central office.

16 Could you just briefly, whichever one is
17 the most appropriate, just clarify for us what it is
18 that needs to be done with that -- with the 12
19 strands that are not connected or not terminated
20 through to the CO the first time a building is lit,
21 what needs to be done to that to actually make that
22 possible to be used?

1 MR. ALBERT: Usually two things.
2 Somewhere between that intercept point and the
3 central office, we would have to be placing one or
4 more additional lengths and additional sheaths of
5 fiber cable.

6 MS. NATOLI: I'm sorry to interrupt you,
7 but that's what I need to understand, what that
8 means. When you say "one or more lengths," you're
9 talking about splice points, though, you're not
10 talking about long -- really, you're just talking
11 about a splice point.

12 MR. ALBERT: No, I'm talking about placing
13 cable sheaths -- the actual reel and roll of cable
14 that would have to be placed, and then spliced into,
15 to make the connections the rest of the way back to
16 where the 12 were. So generally we're going to have
17 to place some additional physical amount of cable,
18 and then at a number of different locations do
19 splicing work to get all those connected together,
20 to then have the end product be 12 new strands now
21 connected all the way back.

22 MR. MILLER: Because this is not --

1 because this is over an existing route where there's
2 other already used cable, do you just pull more
3 ribbons through? Is that typically what's done?

4 MR. ALBERT: There are a couple aspects to
5 fiber cables. There's the cable sheath itself, and
6 then within a conduit, there's smaller PVC pipe
7 called interduct. And the smaller pipes you can put
8 multiple ones of those within a concrete conduit,
9 but then you can only put one fiber cable sheath,
10 one of the big black cables that you see hanging on
11 the poles, within an interduct. That's the way we
12 place those.

13 MR. MILLER: How many ribbons within a
14 sheath?

15 MR. ALBERT: That's where they make
16 varying sizes. On the low end they go up in
17 increments of 12. Our smallest size we use is 24.
18 But they make 36s, 48s, 60s, 72s, up to 144. And
19 then when you start getting up into the really big
20 boomer cable sizes, they don't go every 12, but
21 they're in multiples of 12, more around -- somewhere
22 in the 500s as being one of the larger end fiber

1 cables that we now would place. I don't know the
2 exact count.

3 MR. MILLER: Just one more final question.
4 If you have a customer that you're providing service
5 to that goes out of business or leaves you for
6 whatever reason, do you -- and there was a lit fiber
7 and multiplexer on it, does that fiber become dark
8 after you lose the customer? Do you unlight it and
9 remove the multiplexers or do you leave it as is,
10 waiting for a new customer to come? Even if there's
11 no traffic on a lit cable because you lose it, is
12 that available as dark fiber? Or does it have to
13 wait until you unlight it?

14 MR. ALBERT: I'm trying to think. I mean,
15 it would be so rare and unusual that everything
16 would get wiped off of the fiber system so that you
17 could unlight it. And I mean, I guess it's
18 conceivable a building could be condemned and
19 everybody could move out. In that case we would
20 remove our electronics.

21 But usually a fiber-optic multiplexer will
22 serve an aggregation of quite a few different end

1 user circuits, so that we never put in a system,
2 fill it up and then wind up having -- I've never
3 seen the whole thing then get wiped out and
4 disconnected.

5 So although theoretically all those
6 different individual ones could be and then we would
7 be faced with a decision of do we unlight it, from
8 an actual perspective, I've never run into us facing
9 that decision, except something really weird like
10 they're going to demolish a building and move it.

11 MS. NATOLI: So when you talk about fiber
12 becomes available as a result of churn, you're
13 really talking about acquiring new customers that
14 will then make you splice together existing
15 unspliced or unconnected dark fiber, or lighting
16 dark fiber, but you're not talking about in the
17 reverse direction, where it would become available
18 because somebody vacated it?

19 MR. ALBERT: Oh, no. The reverse also.
20 What would be vacated -- the reverse also happens.
21 If one CLEC has dark fiber and then they give us a
22 disconnect order, that will free that up for another

1 CLEC to use it. There are also -- maybe I didn't
2 quite follow your question. There are also some
3 unique access services where carriers can have
4 dedicated SONET rings, in which case all the
5 electronics are dedicated to that customer and a
6 certain quantity of fibers are dedicated to that
7 customer.

8 Although they have fairly stiff
9 termination charges on those arrangements, so you
10 typically don't see them disconnected after they go
11 in, that is another area where they could disconnect
12 it, and that would free fibers up again that
13 everybody would use, if you had a dedicated SONET
14 ring.

15 The third area that I already had
16 described earlier was where we then ourselves had
17 network modernization where we put in bigger fiber
18 systems and threw a lot of little ones to it and
19 that freed up more fibers that everyone else could
20 use. That's probably the more frequent case of
21 providing more. But disconnects of dark fiber,
22 disconnects of SONET rings, those do occur. When

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1 those happen, that stuff gets unlit, goes back into
2 inventory and anybody can have them.

3 MR. LERNER: All right. Do you want to
4 move your testimony into evidence?

5 MR. PERKINS: Yes. Cavalier moves the
6 direct and rebuttal testimony of Mr. Ashenden as
7 Exhibits C-11 and C-12.

8 MS. NEWMAN: We've already moved theirs
9 in.

10 (Exhibits C-11 and 12 received.)

11 MR. LERNER: Let's take a 10-minute break,
12 then, and return at 4:10.

13 (Recess.)

14 MR. LERNER: Issue C12, witnesses take
15 their positions.

16 Witnesses, please introduce themselves.

17 MS. WEBB: Amy Webb, director of
18 operations.

19 MR. MAGUIRE: Tom Maguire, senior vice
20 president, CLEC operations, Verizon.

21 MR. LERNER: And I think we start with
22 Verizon; I think that's where we are. It gets a

1 little confusing --

2 MS. GRILLO: I think we waived cross on
3 this issue.

4 MR. MAHER: I guess, Mr. Maguire, I'll
5 start with you. Ms. Webb has raised several
6 specific issues in her affidavits, I guess
7 potentially hot cuts but potentially in rebuttal of
8 potential problems she would envision being
9 addressed through a joint implementation team. I
10 would be interested in hearing what's Verizon's take
11 on how those are being addressed or would be
12 addressed in the absence of --

13 MR. MAGUIRE: Well, as Ms. Webb indicated,
14 we currently have a number of different levels at
15 which we speak to discuss different issues that
16 would involve both companies and how we would
17 improve things or change certain processes. It's
18 not that I'm adverse to meeting with Cavalier.
19 Quite contrary, I think it's better to have ongoing
20 communications between various companies to try to
21 resolve issues. If you try to do things in a
22 vacuum, it doesn't work well for any party.

1 I'm a little bit taken aback by the
2 creation of a more formal structure. By formal, I
3 guess maybe the terminology that's included, like
4 are we talking minutes, are we talking, you know,
5 taking attendance? It seems to me I'm a little
6 confused because I'm not aware of any hot cut
7 problems.

8 I know they have raised some issues with
9 loops and they are working with my team and had a
10 conversation as recently as yesterday to try to
11 figure out if there's different ways that we could
12 look at some of their issues. We have a pretty good
13 relationship operationally with the folks at
14 Cavalier. We've dealt with them for a couple of
15 years, number of years, and I thought we had a very
16 good relationship and had a means of working things
17 out.

18 As I read through the actual terminology
19 that's in their proposal, they're getting into
20 things that are beyond operations and things we
21 would typically not get involved with, maybe some
22 billing issues. That causes me some concern because

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